

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Advanced Television Systems)	MB Docket No. 87-268
and Their Impact upon the)	
Existing Television Broadcast)	
Service)	
)	
)	

To: Office of the Secretary

COMMENTS

Mississippi Broadcasting Partners (“MBP”), licensee of WABG-TV and permittee of WABG-DT, Greenwood, Mississippi (the “Station”), by its counsel, hereby submits Comments in response to the Seventh Further Notice of Proposed Rulemaking (the “FNPRM”) in the above referenced proceeding.¹ Pursuant to Section III(C) of the FNPRM, MBP hereby requests change of certified facilities and proposes revision of the allotment set forth in the FNPRM for the Station consistent with the Station’s existing authorized facilities which MBP currently operates. The proposed modification would not result in interference in excess of 0.1 percent to any licensee’s existing tentative channel designation and thus complies with the standard set forth in the FNPRM for changing facilities.

In the initial DTV Table of Allotments, the FCC allotted out-of-core Channel 54 to MBP for operation of the Station during the DTV transition at an effective radiated power of

¹ The FCC extended the deadline for filing Comments in this proceeding until January 25, 2007. *Order*, DA 07-38, released January 9, 2007.

1000 kW.² On February 23, 2004, MBP filed a Petition for Rule Making requesting that the FCC substitute in-core Channel 32 for Channel 54 for the Station (the “Petition”).³ The Petition requested reference facilities on Channel 32 with 1000 kW effective radiated power.⁴

While the Petition remained pending, MBP was required to file its Form 381 Pre-Election certification on November 5, 2004.⁵ Concurrently with that filing, MBP, at the direction of FCC staff, submitted a letter to the Commission explaining that, if the Petition were granted, MBP intended to operate the Station on Channel 32 at the end of the DTV transition (the “November 5 Letter,” attached as Exhibit A). The November 5 Letter explained that in completing its Form 381, which was not formatted to allow the submission of explanatory exhibits, MBP had chosen the certification which most closely matched its intended certification. In response to Question 1 on the Form 381, MBP had chosen certification e(ii), which indicated that MBP certified that it would operate post-transition with the facilities set forth in its outstanding construction permit (BPCDT-19991013ABI), which specified operation on Channel 54. In the November 5 Letter, MBP clarified that by making this selection, it intended to certify that if the Petition were granted, it would construct and operate facilities on Channel 32 and that those facilities would be otherwise similar to those described in the Station’s outstanding construction permit.

On November 30, 2004, the FCC granted the Petition, modifying the initial DTV Table of Allotments to specify operation of the Station on DTV Channel 32 with an effective radiated

² *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Sixth Report and Order, 12 FCC Rcd 14588, 14718 (1997).

³ *Petition for Rule Making to Amend the DTV Table of Allotments* in MB Docket No. 04-187, RM-10967, filed February 24, 2004.

⁴ *Id.*

⁵ BCERCT-20041105AND.

power of 1000 kW.⁶ On January 25, 2005, MBP filed a construction permit application to implement this modification; this application was granted on February 3, 2005.⁷ On February 9, 2005, MBP filed its FCC Form 382 Digital Channel Election Form electing post-transition operation on Channel 32,⁸ which the Commission subsequently approved.⁹ MBP filed a covering license application on October 24, 2005 and has operated the Station on Channel 32 at an effective radiated power of 1000 kW since that time.¹⁰

On October 20, 2006, the Commission released the FNPRM, which would allot post-transition facilities for the Station on Channel 32 but with an effective radiated power of only 664 kW instead of the currently authorized 1000 kW.¹¹

MBP hereby requests a change of the Station's certified facilities and revision of the proposed allotment set forth in the FNPRM to specify operation of WABG-DT with an effective radiated power of 1000 kW rather than 664 kW. As detailed in the Technical Exhibit attached as Exhibit B hereto, MBP's proposal satisfies the requirement set forth in paragraph 28 of the FNPRM that any proposed modification to the proposed table of allotments not cause interference in excess of 0.1 percent to any licensee's existing tentative channel designation.

⁶ *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Greenwood, Mississippi), Report and Order*, 19 FCC Rcd 23145 (2004).

⁷ BMPCDT-20050125AJU.

⁸ BFRECT-20050209ATL.

⁹ *DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections, Public Notice*, 20 FCC Rcd 10983, 10998 (2005).

¹⁰ See BLCDDT-20051024ABR.

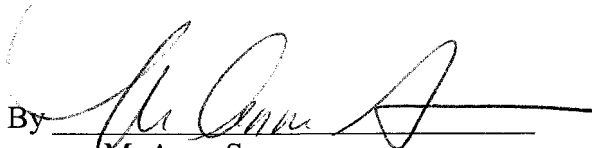
¹¹ FNPRM, at Appendix B, p. 82.

As explained above, grant of the proposed modification also would permit MBP to operate the Station after the end of the DTV transition with the facilities which the FCC approved in granting the Petition and to which MBP intended to certify, and to which it believed it was certifying, in its FCC Form 381 Pre-Election Certification and the accompanying November 5 Letter. Grant of the proposed modification also would serve the public interest by allowing MBP to continue providing service to all persons within the Station's existing service area and avoiding a reduction in service.

For the reasons detailed above, MBP hereby respectfully proposes that the Commission change the Station's certified facilities and allotment in the FNPRM to specify operation on Channel 32 with an effective radiated power of 1000 kW and height above average terrain of 572 meters, just as authorized in the Station's construction permit and specified in its pending covering license application.

Respectfully submitted,

MISSISSIPPI BROADCASTING PARTNERS

By 

M. Anne Swanson
Scott S. Patrick
Daniel A. Kirkpatrick

Its Attorneys

DOW LOHNES PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, D.C. 20036
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January 25, 2007

EXHIBIT A

DOW, LOHNES & ALBERTSON
ATTORNEYS AT LAW

STAMP & RETURN

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aswanson@dowlohn.com

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November 5, 2004

RECEIVED

NOV - 5 2004

Federal Communications Commission
Office of Secretary

VIA HAND DELIVERY

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Video Division, Media Bureau
Stop Code 1800E2

Re: WABG-DT, Greenwood, MS (Facility ID No. 43203)
FCC File No. BCERCT-20041105AND
Supplement to DTV Pre-Election Certification Form (FCC Form 381)

Dear Ms. Dortch:

On behalf of Mississippi Broadcasting Partners ("MBP"), permittee of WABG-DT, Greenwood, Mississippi, we hereby supplement the FCC Form 381 which was filed electronically today and clarify the certification made by MBP in light of the station's pending DTV channel change proceeding. A copy of the filed Form 381 is enclosed.

On February 23, 2004, MBP filed a Petition for Rule Making requesting that the FCC substitute Channel 32 for Channel 54 for WABG-DT. MBP supplemented the Petition on April 30 and May 6, 2004, and on May 21, 2004, the FCC issued a Notice of Proposed Rule Making (MB Docket No. 04-187, RM-10967) proposing the DTV channel change for the station. On July 12 and July 27, 2004, MBP timely filed comments and reply comments supporting the Notice. No other parties filed comments. The proceeding remains pending.

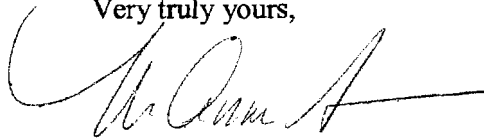
MBP understands that the Form 381 only permits certification of authorized facilities and that it cannot presume grant of the channel change. Nonetheless, if the channel change is granted, it would be impossible for MBP to fulfill its certification on the Form 381, as the specified channel would be unavailable as a matter of fact. As such, MBP has chosen a certification which most closely matches its intended certification. In response to Question 1, MBP selected certification "e (ii)," which states: "Licensee/permittee hereby certifies that it will neither replicate nor maximize, and will operate its post-transition DTV station pursuant to the following authorized DTV facilities," and MBP selected the station's currently outstanding construction permit for Channel 54 (FCC File No. BPCDT-19991013ABI) as the authorized

Marlene H. Dortch, Esquire
November 5, 2004
Page 2

DTV facilities referenced by the certification. By this letter, MBP clarifies that by selecting this certification, it intends to certify that upon grant of the DTV channel change rulemaking, it will construct and operate facilities on Channel 32, and those facilities will be similar to the facilities described in the station's current Channel 54 construction permit.

Please contact me if you have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Anne Swanson", with a long horizontal flourish extending to the right.

M. Anne Swanson

Enclosure

cc (w/encl.): FCC Form 381 Electronic Mailbox (via email at form381@fcc.gov)

Federal Communications Commission Washington, D.C. 20554 FCC 381	Approved by OMB 3060-1077 (October 2004)	FOR FCC USE ONLY
PRE-ELECTION CERTIFICATION FORM Must Be Filed by: November 5, 2004 Read INSTRUCTIONS Before Filling Out Form		FOR COMMISSION USE ONLY FILE NO. - 20041105AND

Section I - General Information

Licensee/Permittee Information			
1.	Legal Name of the Applicant MISSISSIPPI BROADCASTING PARTNERS		
	Mailing Address 2001 GARRARD AVENUE		
	City GREENWOOD	State or Country (if foreign address) MS	ZIP Code 38930 -
	Telephone Number (include area code) 7046327244	E-Mail Address (if available)	
Station / Facility Information			
2.	FCC Registration Number: 0003828753		
	Call Sign WABG-TV	Facility ID Number 43203	
	Community of License: City GREENWOOD	State MS	
3.	Currently Assigned Channels:		
	a. DTV Channel: 54 <input type="checkbox"/> Not Applicable		
	b. NTSC Channel: 6 <input type="checkbox"/> Not Applicable		
Contact Information (if different from licensee/permittee)			
4.	Contact Representative (if other than Applicant) M. ANNE SWANSON	Firm or Company Name DOW, LOHNES & ALBERTSON, PLLC	
	Mailing Address 1200 NEW HAMPSHIRE AVENUE, NW SUITE 800		
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20036 -
	Telephone Number (include area code) 2027762000	E-Mail Address (if available) ASWANSON@DLALAW.COM	
Purpose of Form:			
5.	The purpose of this Pre-Election Certification Form is for licensees/permittees to provide and certify the technical information that will be used to evaluate elections made during the channel election process. Licensees/permittees make these certifications regarding database accuracy and intent to replicate/maximize to provide certainty with respect to their technical data for consideration by others participating in the channel election process. (SELECT ONE)		
	a. <input checked="" type="radio"/> Certification		
	b. <input type="radio"/> Amendment		

Section II - CERTIFICATIONS

All broadcast licensees and permittees participating in the digital channel election process may make the following certifications. Licensees/permittees that do not submit this form by the deadline on page one will be presumed (1) to agree that their database technical information on file with the Commission is accurate and complete; and (2) not to intend to replicate or maximize, and such decision will be taken into account in the Commission's determination of final channel assignments.

Replication/Maximization Deadlines

By completing the appropriate certification below, licensee/permittee may certify its intent to construct and operate its allotted "replication" facilities or already-authorized "maximization" facilities on its post-transition channel. Licensees/permittees are reminded that false certifications may result in fines and loss of license. Additionally, licensee's/permittee's failure to replicate or maximize to the extent it certifies will result in the loss of interference protection to those service areas not replicated or maximized.

Licensee/permittee should also be aware of the following replication and maximization deadlines that pertain to current DTV facilities and that affect the right to "carry over" interference protection to its post-transition channel. (Failure to meet the replication/maximization requirements will cause the licensee/permittee to lose interference protection to the unused portion of the associated area as of the applicable interference protection deadline. Furthermore, a licensee/permittee failing to meet these deadlines will lose the ability to "carry over" its interference protection to its unserved DTV service area on its post-transition channel.):

- **July 1, 2005** -- Deadline for DTV licensees affiliated with the top-four networks (i.e., ABC, CBS, Fox, and NBC) in markets 1-100. Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 100 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. The number of viewers served by a station's 1997 facility on which its replication is based will be determined using population data from the year 2000 census.
- **July 1, 2006** -- Deadline for all other commercial DTV licensees as well as noncommercial DTV licensees. Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized DTV facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 80 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. The number of viewers served by a station's 1997 facility on which its replication is based will be determined using population data from the year 2000 census.

1. Replication/Maximization Certifications Licensees/permittees must indicate how their channel elections should be evaluated for purposes of interference protection analysis. (SELECT ONE):	
a. <input type="radio"/>	Licensee/permittee hereby certifies that it will operate its post-transition DTV station at maximized facilities, as authorized by license or construction permit, FCC File No. _____ Licensee/permittee must provide FCC File No. here. _____
b. <input type="radio"/>	Licensee/permittee hereby certifies that it will operate its post-transition DTV station pursuant to a pending DTV application for maximization facilities that has not been authorized because of a pending international coordination issue. Licensee/permittee must provide FCC File No. here. _____
c. <input type="radio"/>	Licensee/permittee hereby certifies that it will operate its post-transition DTV station based on its allotted replication facilities .
d. <input type="radio"/>	Licensee/permittee hereby certifies that it does not have a DTV channel allotment , and will operate its post-transition DTV station based on its currently authorized NTSC license or construction permit, FCC File No. _____ Licensee/permittee must provide FCC File No. here. _____
e. <input checked="" type="radio"/>	Licensee/permittee hereby certifies that it will neither replicate nor maximize , and will operate its post-transition DTV station pursuant to the following authorized DTV facilities: (SELECT ONE) <div style="margin-left: 20px;"> i. <input type="radio"/> License ii. <input checked="" type="radio"/> Construction Permit iii. <input type="radio"/> STA </div> Licensee/permittee must provide FCC File No. here. BPCDT - 19991013ABI
2 Database Certification. Licensee/permittee hereby certifies that it has reviewed its database information on file with the Commission and that its technical information is accurate and complete, to the best of its knowledge.	
<input checked="" type="radio"/> Yes <input type="radio"/> No	

If no, licensee/permittee must attach an explanation, including appropriate engineering data, as an Exhibit to this form.

[Exhibit 1]

I certify that the statements and certifications in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Typed or Printed Name of Person Signing BEVERLY B. POSTON	Typed or Printed Title of Person Signing EXECUTIVE VICE PRESIDENT OF THE MANAGING GENERAL PARTNER
Signature	Date 11/4/2004

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

EXHIBIT B

du Treil, Lundin & Rackley, Inc.

Consulting Engineers

**TECHNICAL EXHIBIT
SUPPORTING THE COMMENTS FROM
MISSISSIPPI BROADCASTING PARTNERS
STATION WABG-DT (FACILITY ID 43203)
GREENWOOD, MISSISSIPPI
CH 32 1000 KW-DA 572 M**

Technical Narrative

This Technical Exhibit supports the comments from Mississippi Broadcasting Partners, licensee of station WABG-DT on channel 32 at Greenwood, Mississippi (Facility ID 43203). These comments address the Federal Communications Commission (FCC) Seventh Further Notice of Proposed Rule Making (7th FNPRM) in MB Docket No. 87-268.

Station WABG was allotted DTV channel 32 in the FCC's Report and Order (R&O) in MB Docket No. 04-187 (adopted November 16, 2004, released November 30, 2004). The FCC assigned the channel 32 DTV allotment an effective radiated power (ERP) of 1000 kilowatts (kW) and antenna height above average terrain (HAAT) of 610 meters at the WABG site coordinates (33-22-23, 90-32-25). The channel 32 DTV allotment became effective on January 14, 2005.

Station WABG-DT is currently authorized to operate on channel 32 (BMPCDT-20050125AJU, license application BLCDT-20051024ABR). A directional antenna (DA) system is employed with a bent peanut shaped pattern. The major lobes of the pattern are oriented toward 43 and 267 degrees True. The maximum ERP is 1000 kW and the antenna HAAT is 572 meters. The antenna center of radiation is 572 meters above ground level (AGL), and 607 meters above mean sea level (AMSL). The transmitter site coordinates are 33-22-23, 90-32-25 (NAD-27). The FCC antenna structure registration number is 1051861.

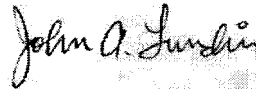
The FCC's 7th FNPRM proposes channel 32 as WABG-DT's tentative channel designation (TCD) for post transition DTV operation. The FCC's proposed DTV allotment

on channel 32 specifies an ERP of 664 kW-ND and antenna HAAT of 572 meters at site coordinates of 33-22-23, 90-32-25. There is a difference in the ERP and antenna pattern between the FCC's proposed DTV allotment for WABG-DT and the station's authorized operation on channel 32 (ie, 664 kW-ND versus 1000 kW-DA).

Interference calculations have been made using the procedures outlined in the FCC's OET-69 Bulletin. A 2 kilometer grid, a 1 kilometer terrain increment, and the 2000 Census have been employed. The following lists the assignments requiring consideration and the amount of new interference caused by the currently authorized WABG-DT operation on channel 32 (1000 kW-DA, 572 m).

WGBC-DT, Ch. 31, Meridian, MS New WABG-DT interference = 0 people (0.0%)
WLMT-DT, Ch. 31, Memphis, TN New WABG-DT interference = 0 people (0.0%)
KARK-DT, Ch.32, Little Rock, AR New WABG-DT interference = 58 people (0.005%)
WNCF-DT, Ch.32, Montgomery, AL New WABG-DT interference = 0 people (0.0%)
WAAY-DT, Ch.32, Huntsville, AL New WABG-DT interference = 0 people (0.0%)

If there are questions concerning the technical portion of this application, please contact the office of the undersigned.



John A. Lundin

du Treil, Lundin & Rackley, Inc.
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Sarasota, Florida 34237
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November 8, 2006